REMARKS

The present amendment is filed with a Continuing Prosecution Patent Application (CPA), and is responsive to the Office Action mailed in the above-referenced case on August 26, 2002, made final. Claims 1-4 and 17-22 are presented below for examination. The Examiner has maintained the rejection of claims 1-4, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Yuen/Official Notice. Claims 18, 20 and 22 remain rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al. (5,488,409), hereinafter Yuen, and claim 21 remains rejected as being unpatentable over Yuen in view of Ichinose (U.S. 4,612,569), hereinafter Ichinose.

Applicant has again carefully studied the prior art cited and applied by the Examiner, and the Examiner's rejections and statements. Applicant herein amends the claims to more particularly point out and distinctly claim the subject matter regarded as patentable, and herein presents arguments to establish that the claims as amended distinguish unarguably over the prior art.

Applicant amends the language of claim 1 to clearly recite that the at least one recording mechanism associated with the at least one data store facility has a memory with capacity for recording a specific time duration of a media presentation, wherein the recording mechanism is adapted to make a sequential, continuous-loop recording of the media presentation, such that when the memory capacity is filled, the device continues to record, overriding the oldest recorded information, providing thereby, at any point in time, a stored copy of the specific time duration of the recorded media immediately preceding the point in time. Claim 18 is applicant's method claim for practicing the invention as recited in applicant's claim 1. Applicant also herein amends the language of claim 18 to clearly recite, in step (a), that the recording device, in accordance with the

amended language of claim 1, initiates a sequential continuous-loop recording of a specific time duration of the presented media. Applicant also amends dependant claims 2-4 and 17 to agree in language with the base claims as amended.

Applicant's claim 1 as amended now recites:

1. (Once Amended) A recording device coupled with a conventional media presentation device comprising:

an input port for accepting media from the media presentation device;

at least one recording mechanism associated with at least one data store facility having a memory with capacity for recording a specific time duration of a media presentation;

a user interface for controlling the function of record and for enabling functions of media transfer, store, and playback of recorded media;

an output port for enabling throughput of the media to a speaker system and optional visual display apparatus associated with the media presentation device; and

a user input on the user interface for inserting a flag-set into the recorded media, the flag-set searchable and usable as indicia for beginning a playback session of recorded media at a desired point in the recording sequence the playback ending at a desired point in the recording sequence or for selecting a media portion of the recorded media for permanent storage;

wherein the recording mechanism is adapted to make a sequential, continuous-loop recording of the media presentation, such that when the memory capacity is filled, the device continues to record, overwriting the oldest recorded information, providing at any point in time a stored copy of the specific time duration of the recorded media immediately preceding the point in time. _

Applicant's claim 18 as amended now recites:

18. (Once Amended) A method for setting and initiating selective playback or permanent storage of stored audio or audio-visual media from a user-interface on a [perpetual] recording device coupled with a media presentation device comprising steps of:

(a) initiating [perpetual] sequential continuous-loop recording of a specific time period of the presented media;

(b) identifying [a] the specific media selection during media presentation;

(c) activating a flag-set indicia from a user interface on the [perpetual] recording device;

(d) activating a recover indicia from the user interface of step (c), the recover operation for retrieving the flagged media; and

(e) initiating playback or media store of the flagged media.

Regarding claims 1 and 18, applicant provided argument in the last response (pp. 6-7) that Yuen does not disclose a perpetual recording device. Applicant further argued that the teaching of Yuen discloses processes for indexing and re-indexing a tape, and searching the tape for a selected program, or identifying a reported program, but does not specifically teach setting and initiating selected playback or permanent storage of data wherein activating a flag-set indicia from a user interface on the perpetual recording device enables playback or storing of the flagged data.

In response, the Examiner states in the Response to Arguments section of the instant Office Action that the various recording means of Yuen may record without interruption or surcease, and thereby meets applicant's limitation in step (a) of claim 18. The Examiner further states in response that Yuen anticipates activating flag-set indicia, as recited in applicant's step (c) of claim 18, because,

upon recording a program, the indexing VCR 10 marks the beginning of program 5 with a VISS mark, and upon reaching the start of program 3, the VCR erases the VISS mark corresponding to the beginning of program 3 and then writes a new mark at the end of program 5, which becomes the start of the remaining portion of program 3.

Applicant's invention automatically makes a sequential continuous-loop recording of an incoming data stream, meaning that after a fixed time period of sequential recording, the recording apparatus will continue to record by overwriting the already recorded material in the same order as originally recorded, the oldest data being overwritten first. The net effect will be, at any moment in time, while the apparatus is recording, a recorded body of matter representing a time period prior to the present moment equal to the recorded time period represented by the magnitude of the memory apparatus being used.

Applicant's invention also teaches a user interface for inserting a flag-set into the recorded media, the flag-set searchable and usable as indicia for beginning a playback session of recorded media at a desired point in the recording sequence. As taught in applicant's specification the flag-set is inserted by the user to denote a specific time period within a program, while that same program is being recorded, and by activating the flag-set indicia, the user is enabled for viewing the recorded specific time period within the program during sequential continuous-loop recording of that program, or at a later time from storage. Yuen teaches that a VISS mark is inserted at the end of one program, that mark becoming the beginning of another program. Applicant argues that Yuen does not teach inserting a flag-set marking a specific time period within a media presentation, as taught in applicant's invention and recited in claims as amended, rather; Yuen simply marks the beginning or ending points of programs, denoting the start or end of program.

Specifically, the VISS marks in Yuen are inserted into programs, for the purpose of facilitating faster searches of the tape containing the programs, and for determining locations on the tape, and consequently for calculating the length of programs and blank spaces on the tape. The absolute address system of Yuen monitors the marks inserted to calculate length of programs, current tape location, blank spaces, and so on. Applicant therefore argues that specifying a specific time period within a program using a flag set, while the program is being recorded in a sequential continuous-loop manner, for recording and storage of the specified fixed time period within the program is clearly not anticipated by Yuen, and there would be no advantage or motivation for Yuen to do so.

Applicant's claim 1 as amended now recites a recording device having a recording mechanism associated with a storage facility, having a memory with capacity for recording a specific time duration of a media presentation, and enabled for sequential continuous-loop recording of the specific time duration, and a user input on the user interface for inserting a flag-set into the recorded media. Applicant's claim 18, as amended, now recites a method, in accordance with applicant's claim 1 as amended, for setting and initiating selective playback or permanent storage of stored media from a user-interface on a recording device which initiates a sequential continuous-loop recording of a specific time duration of the presented media. Applicant's invention teaches that the user input enables insertion of the flag-set indicia into the recorded specific time period of the media presentation such that the portion indicated by the flag-set may be viewed, transferred or stored by the user during recording of the media presentation.

Applicant believes claims 1 and 18 as amended are now patentable over Yuen for the reasons argued above, as the reference clearly fails to disclose all of applicant's limitations in the claims as amended. Dependent claims 2-4, 17 19 and 20 are then patentable on their own merits, or at least as depended from a patentable claim.

The Examiner has rejected claim 21 as being unpatentable over Yuen in view of Ichinose. In view of applicant's above amendments to claims 1 and 18, and applicant's supporting arguments, applicant believes claim 21 is then patentable on its own merits, or at least as depended from a patentable claim, as the primary reference of Yuen now clearly fails to disclose all of the limitations of applicant's claim 18 as amended.

As all of the claims now standing for examination as argued have been shown to be patentable over the prior art, applicant respectfully requests that the rejections be withdrawn by the Examiner and that the present case be passed quickly to issue.

If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Versions With Markings to Show Changes Made

In the claims:

1. A [perpetual] recording device coupled with a conventional media presentation device comprising:

an input port for accepting media from the media presentation device;

at least one recording mechanism associated with at least one data store facility having a memory with capacity for recording a specific time duration of a media presentation [for recording and optional transfer of the recorded media for store];

a user interface for controlling the function of record and for enabling functions of media transfer, store, and playback of recorded media;

an output port for enabling throughput of the media to a speaker system and optional visual display apparatus associated with the media presentation device; and

a user input on the user interface for inserting a flag-set into the recorded media, the flag-set searchable and usable as indicia for beginning a playback session of recorded media at a desired point in the recording sequence the playback ending at a desired point in the recording sequence or for selecting a media portion of the recorded media for permanent storage[.];

wherein the recording mechanism is adapted to make a sequential, continuous-loop recording of the media presentation, such that when the memory capacity is filled, the device continues to record, overwriting the oldest recorded information, providing at any point in time a stored copy of the specific time duration of the recorded media immediately preceding the point in time. __

2. The [perpetual] recording device of claim 1 coupled with one of an RF radio or a television.

3. The [perpetual] recording device of claim 2 further comprising an analog to digital converter and wherein the at [last] least one data store is a write able digital memory accepting data writes comprising digitally recorded media.

4. The [perpetual] recording device of claim 1 wherein the flag-set denotes one of a complete song, or a block of completed songs.

17. The [perpetual] recording device of claim 2 wherein coupling results in internalizing the device into the circuitry of the media presentation device.

18. A method for setting and initiating selective playback or permanent storage of stored audio or audio-visual media from a user-interface on a [perpetual] recording device coupled with a media presentation device comprising steps of:

(a) initiating [perpetual] sequential continuous-loop recording of a specific time period of the presented media;

(b) identifying [a] the specific media selection during media presentation;

(c) activating a flag-set indicia from a user interface on the [perpetual] recording device;

(d) activating a recover indicia from the user interface of step (c), the recover operation for retrieving the flagged media; and

(e) initiating playback or media store of the flagged media.

Respectfully Submitted,

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